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The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Washington Patrol Service, Inc. ✓  
File: B-224543.5  
Date: December 1, 1986

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### DIGEST

Protest is dismissed where the protester fails to file a copy of its protest with the contracting officer within 1 day after filing with the General Accounting Office as required by the Bid Protest Regulations.

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### DECISION

Washington Patrol Service, Inc. (WPS) protests the terms of solicitation No. 9PPB-86-C0539, as amended, issued by the General Services Administration (GSA), San Francisco, California, because certain requirements previously included in the solicitation have now, by amendment, been allegedly improperly restricted by GSA to eligible firms under the Small Business Administration's (SBA) 8(a) program. (See 15 U.S.C. § 637(a) (1982).)

WPS' protest was filed in our Office on November 17, 1986, and the protest specifically indicated that a copy had been mailed to the contracting officer and the SBA regional office involved. While WPS characterized the protest as a modification of a previous protest filed with our Office (which has been withdrawn), we opened the matter as a new protest because GSA's restriction of certain requirements to 8(a) firms was being challenged. We so notified counsel for the protester on November 21. On November 24 the agency advised us that the contracting officer still had not received a copy of the protest.

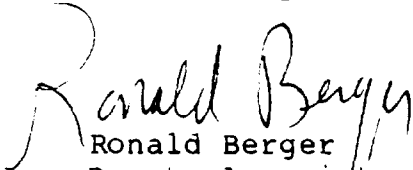
The Competition in Contracting Act of 1984, 31 U.S.C. § 3553(b)(2)(A) (Supp. III 1985), and our implementing regulations impose a strict time limit of 25 working days from the date of telephone notice of the protest from our Office for an agency to file a written report. 4 C.F.R. § 21.3(c) (1986). To that end, our Bid Protest Regulations

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require the protester to furnish a copy of the protest (including relevant documents) to the appropriate individual in the contracting agency. 4 C.F.R. § 21.1(d). Our Office generally must issue a final decision within 90 days after the protest is filed. Permitting delays in furnishing copies of protests to the contracting agencies would hamper their ability to comply with the statutorily imposed time limitation for filing reports and could frustrate our efforts to provide effective and timely consideration of protests of procurement actions. See Sabreliner Corp., 64 Comp. Gen. 325 (1985), 85-1 CPD ¶ 280.

Despite WPS' indication in its protest letter that the contracting officer had been served with a copy, the agency did not in fact receive a copy of the protest.

Accordingly, we dismiss the protest.

  
Ronald Berger  
Deputy Associate  
General Counsel